

JUN 19 2018

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUISUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JENNIFER L. SAAKE,

Defendant.

4:18CR518 CDP

Case No.

INFORMATION

The United States Attorney charges that:

COUNT I
(Wire Fraud)**A. Introduction**

1. C.A.B. (the "Company") is a real estate company based in Creve Coeur, Missouri.

The Company owns and manages numerous retail properties and luxury high-rise apartment units in St. Louis, Missouri, as well as other cities across the country.

2. From approximately October 22, 2001, until January 8, 2018, Defendant Jennifer L. Saake ("Saake") was employed as a controller for the Company.

3. In her role as controller for the Company, Saake had executive oversight of all financial matters of the Company. Her duties included, among other things, managing payroll, accounts payable, expenses, and reconciling the Company's financial books and records. In addition, Saake was able to originate Automated Clearing House ("ACH") transfers from Company bank accounts without any secondary approval or authorization.

B. Scheme to Defraud

4. Beginning in or around April 2010 and continuing until on or about November 28, 2017, Saake knowingly and intentionally devised and executed a scheme and artifice to defraud the Company and to obtain money from the Company by means of material false and fraudulent pretenses, representations and promises in that Saake, without the knowledge and authority of the Company, diverted funds from Company bank accounts to her own personal banks accounts for her own personal use.

5. It was part of the scheme that between approximately April 2010 and July 2012, Saake initiated approximately 27 ACH transactions where funds from Company bank accounts were transferred into Saake's personal bank account ending in 4008 at First Community Credit Union. The Company was unaware of these transfers and neither authorized nor approved them.

6. It was further part of the scheme that on or about March 16, 2011, Saake opened a separate bank account at First Community Credit Union ending in 4208 (the "Fraud Account") one purpose of which was to receive fraudulently obtained funds from the Company.

7. It was further part of the scheme that, beginning on or about March 23, 2011, and continuing until November 28, 2017, Saake initiated 178 ACH transactions wherein funds from Company bank accounts were transferred to the Fraud Account. The Company was unaware of these transfers and neither authorized nor approved them.

8. It was further part of the scheme that, in order to conceal the fraud, Saake marked the fraudulent ACH transactions as "confidential" in the Company's banking software so as to prevent others in the Company's accounting department from seeing the transactions. In addition, Saake created false journal entries and made false payable and bank reconciliation adjustments in the Company's accounting records. On at least one occasion, a Company employee asked Saake

about a particular ACH transaction, and Saake falsely stated or implied that Company management had approved such transaction.

9. It was further part of the scheme that, in total, Saake fraudulently diverted approximately \$1,438,629.05 from the Company. None of these funds were properly due or owing to Saake. Upon receipt of the fraudulently obtained funds, Saake used them for personal gain, including, but not limited to, purchase equity interests in Company investments, to improve her residence, to pay for her children's education expenses, to make vehicle lease payments, to purchase clothing and accessories, and to pay for living expenses.

10. It was further part of the scheme that, between 2011 and 2017, Saake used \$40,500 in criminal proceeds to purchase nine separate equity interests in Company investments. The total amount of dividends and distributions that the Company paid to Saake related to these equity investments over the same period is \$161,629.66.

C. Wire Transaction

11. On or about November 27, 2017, having devised the foregoing scheme and artifice to defraud and obtain money and property by means of false and fraudulent pretenses, representations and promises and for the purpose of executing the same,

JENNIFER L. SAAKE,

the defendant herein, did knowingly cause to be transmitted by means of wire communication in and affecting interstate commerce, certain writings, signs, signals, pictures, or sounds, namely an ACH transfer in the amount of \$9,098.00 from a Company account at Wells Fargo Bank in San Francisco, California, to the Fraud Account in Chesterfield, Missouri, for her personal use.

In violation of Title 18, United States Code, Sections 1343.

FORFEITURE ALLEGATION

The United States Attorney further alleges there is probable cause that:

1. Pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, upon conviction of an offense in violation of Title 18, United States Code, Section 1343 as set forth in Count One, the defendant shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to such violation.
2. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to such violation, which is at least \$1,600,258.71.
3. Specific property subject to forfeiture includes, but is not limited to, the following:
 - a. Real property located at Paradise Point Condominium, 250 Lakewood Drive, Building 8, Unit 102, Hollister, Missouri, 65672;
 - b. The equity share in CL3 BP Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
 - c. The equity share in FR3 BP Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
 - d. The equity share in GW3 BP Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
 - e. The equity share in MP Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
 - f. The equity share in BN3 BP Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;

- g. The equity share in DX3 BP Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
- h. The equity share in WJ Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
- i. The equity share in HH Associates, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company;
- j. The equity share in Bianco Properties, LLC, held by Jennifer L. Saake, and all related distributions being held by the Company.

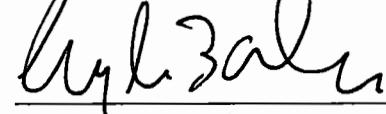
3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney



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(314) 539-2200

UNITED STATES OF AMERICA)
EASTERN DIVISION)
EASTERN DISTRICT OF MISSOURI)

I, Kyle T. Bateman, Assistant United States Attorney for the Eastern District of Missouri,
being duly sworn, do say that the foregoing information is true as I verily believe.

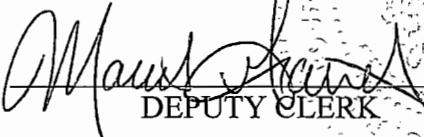


KYLE T. BATEMAN, #996646DC

Subscribed and sworn to before me this 13th day of June, 2018.



CLERK, U.S. DISTRICT COURT

By: 

DEPUTY CLERK